

REMARKS

Reconsideration is respectfully requested.

Claims 1, 5, 7 and 12 are amended herein. New claims 15-26 are added.

Applicant's attorney wishes to thank the Examiner for the courtesy of faxing a copy of the Advisory Action, which we never received by postal mail. It is noted that the Advisory Action does not appear in the PAIR record, either in the image file wrapper or in the transaction history, as of today's date.

The Office Action rejected claims 1, 2, 4 and 7-10 under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,204,873 by Shimazaki. Claims 3, 11 and 14 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,204,873 by Shimazaki further in view of Fujima (U.S. 4,142,355). Claims 5, 6, 12 and 13 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,204,873 by Shimazaki. The advisory action continued the rejections. Applicant respectfully traverses.

While it is believed that the patentable distinction of applicant's invention was present and apparent in the claims as already present, further clarifying amendments are made herein. Claim 1 is amended to add language to clarify that the image processing unit effects the color specification for the cut out background portion and that the output unit is recognizing the

color specification specified by the image processing unit, and further adds language to note that this is all being done to avoid visual unevenness from accruing in the background portion.

Claim 5 is amended to add the word "specified" in several places to clarify that the background design was replaced and that the output unit replaces that design with a background pattern.

Claim 7 is amended to add language to clarify that the background design was replaced and that the output unit replaces that design with a background pattern and, further, to note that this is all being done to avoid visual unevenness from accruing in the background portion.

Claim 12 is amended with a minor edit to remove a semicolon (;).

New claims 15-26 are added, to specify that the image is a photograph image of a person and that the system or method is to provide replacement of the background with a background suitable for identification use. Further, some of the added claims add the additional clarification of recognizing the boundary between the image and background for determining what portion is to be replaced.

Applicant respectfully submits that the main reference, Shimazaki, does not show the invention or suggest it. It is respectfully believed it is not sustainable to interpret Shimazaki as showing the concept of recognizing the background

portion, replacing the background portion, and, then, in the output unit, detecting the replaced background portion, and further replacing that with a different output background.

The invention relates to an image processing system having functions of recognizing the boundary between the image portion and the background portion and clipping the background portion to designate a color, and of designating how to process the background portion, etc., thereby implementing background processing.

Shimazaki does not have this capability (nor does it need to have it) of recognizing the boundary between the image portion and the background portion.

As discussed and argued to the Examiner before, Shimazaki in column 17, lines 49 and following, is discussing that by printing the checkered background, it will reduce unevenness in density of images resulting from heat remaining/lacking in the print head when going from a high density to low density and from low to high density.

This teaching in Shimazaki is unrelated to the applicant's concept of replacing the background portion with a background pattern substantially lacking perceptible unevenness. Shimazaki is merely printing this background pattern to keep the thermal state of the print head at an average value so that the variations in printing density of the image will not be so large.

It is not related to printing a background pattern substantially lacking in perceptible unevenness.

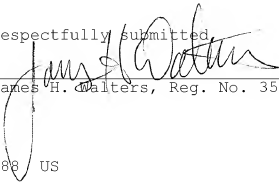
Additionally, the present invention is characterized in that it has a function of recognizing the boundary between an image portion and a background portion and a function of effecting color specification by cutting out a background portion, and also, a function of specifying a method of processing the background portion.

In contrast, the Shimazaki document relates to color correction of a color image, and Shimazaki is different from the present invention and is directed to different issues and concepts.

In view of the above and the previously submitted remarks in the prior response, Shimazaki cannot teach or suggest the claims. Further, in view of this lack of Shimazaki, the combination with the other documents does not make up for the missing concepts and teachings. It is accordingly respectfully submitted that the documents relied on, whether considered alone or combined, do not teach or suggest the claimed invention.

In light of the above noted remarks, this application is believed in condition for allowance. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

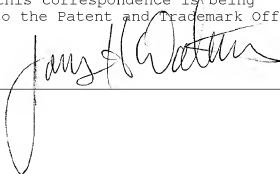
Respectfully submitted,

  
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